

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. 17-20595

v.

HON. MARIANNE O. BATTANI

YOUSEF RAMADAN,

Defendant.

_____ /

**OBJECTIONS TO CERTIFICATES OF
AUTHENTICATION FOR U.S. BANK AND CABELA'S**

NOW COMES Defendant, YOUSEF RAMADAN, through his attorney, ANDREW DENSEMO, of the Federal Community Defender Office, and submits objections to entry of certificates of authentication under FRE 902(11) in lieu of live testimony based on the following;

1. Defendant is charged with possession of stolen firearms, with obliterated serial numbers and possession of an unregistered firearm/silencer.
2. Jury Selection has been scheduled for September 9, 2021 at 9:00 a.m.
3. As part of its case in chief, Plaintiff will be moving for the admission of business records of U.S. Bank and Cabela's, in addition to Certificates of Authentication for the records.

4. The defense objects to the entry of these two Certificates of Authentication (hereinafter referred to as COA) in lieu of live testimony.

5. We object to the COA for U.S. Bank and Cabela's because the certificates are attested to by a paralegal and fraud investigator, respectively, who do not appear to be the proper custodian of the records as contemplated by FRE 803(6). In addition, the defense doubts the trustworthiness of the attestations in their certificates given the lack of information regarding the duties performed by these individuals and how their duties intersect with those of the actual records custodian. *U.S. v. Ekiyor*, 90 F.Supp 735 (2015).

6. The boilerplate COA's executed by the employees of U.S. Bank and Cabela's do nothing more than simply parrot the language of 803(6), without offering any detail as to the sort of records maintained by the businesses or the manner in which those records are generated, stored and retrieved. *U.S. v. Ekiyor*; See also *United States v. Hathaway*, 798 F.2d 902 (6th Cir. 1986).

7. The COA's do not comply with FRE 902(13) or (14) in that there are no averments that the records were generated by an electronic process or system that produces an accurate result, **as shown by a certification of a qualified person** that complies with the certification requirements of Rule 902(11) or (12).

8. Lastly, allowing Plaintiff to introduce Cabela's business records through a COA will deny Mr. Ramadan the right to confrontation and to present his

defense to the firearm charges. *Crawford v. Washington*, 541 U.S. 36; 124 S.Ct. 1354 (2004).

WHEREFORE, Defendant prays that this Honorable Court will sustain his objections.

Respectfully submitted,

**FEDERAL COMMUNITY DEFENDER
EASTERN DISTRICT OF MICHIGAN**

s/Andrew Densemö

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Dated: July 2, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2021, I electronically filed the OBJECTIONS TO CERTIFICATES OF AUTHENTICATION FOR U.S. BANK AND CABELA'S with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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**FEDERAL COMMUNITY DEFENDER
EASTERN DISTRICT OF MICHIGAN**

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Dated: July 2, 2021